

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

CIVIL MINUTES - GENERAL

Case No. SACV 19-272 JVS (DFMx) Date February 19, 2019

Title Kenny Phan v. 3M Company

Present: The Honorable James V. Selna

Lisa Bredahl

Deputy Clerk

Not Present

Court Reporter

Attorneys Present for Plaintiffs:

Attorneys Present for Defendants:

Proceedings: [IN CHAMBERS] ORDER TO SHOW CAUSE RE JURISDICTION

The Court has made a preliminary review of the jurisdictional allegations in the:

X Complaint filed February 12, 2019

Notice of Removal ("Notice")

by plaintiff Kenny Phan ("Phan").

The initial pleading invokes jurisdiction of the Court on the basis of diversity of citizenship, 28 U.S.C. § 1332. (Complaint, ¶ 9.) Jurisdiction on this basis requires complete diversity.

The following party to the action is alleged to be a limited liability companies ("LLC"):

Aearo Technologies, LLC

For purposes of diversity jurisdiction, an LLC takes on the citizenship of each of its members. Johnson v. Columbia Properties Anchorage, LP, 437 F.3d 894, 899 (9th Cir. 2006); Cosgrove v. Bartolotta, 150 F.3d 729, 731 (7th Cir. 1998); Keith v. Black Diamond Advisors, Inc., 48 F. Supp. 2d 326, 329-30 (S.D. N.Y. 1999). In order to determine diversity, the Court must consider the citizenship of each LLC member, and if a member is an LLC, the citizenship of its members. Presently, the Court cannot tell if jurisdiction has been properly invoked.

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Phan is ordered to file an amended initial pleading within 15 days identifying each member of each alleged LLC and the member's citizenship and principal place of business as the date of the filing of the initial pleading. If any member is itself an LLC, the same information shall be provided for each subtier member, and if need be, for each successive subtier.

A failure to respond may result in remand of the case to the Superior Court of the State of California for lack of jurisdiction.

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